

APPROVED: Meeting No. 1-82

ATTEST: *William E. Hanna, Jr.*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 40-81

November 23, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, November 23, 1981, at 8:00 p.m

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; Assistant City Manager Daniel Hobbs; City Clerk Helen Heneghan; Budget Officer Anna Lee Berman; City Attorney Roger Titus; Information Officer Sue M. Patterson; Chief of Police Jared Stout; Director of Community Development Douglas Horne; Director of Planning James M. Davis; Director of Finance John Lawton; Assistant City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The City has been notified that it has won two awards of merit in the 1981 City Hall Public Information Award competition. One is for the City's Community Identity Program and the other is for the Economic Update Newsletter. Mr. Blick commended Sue Patterson for her work on the two items.
2. Twenty-nine seniors from Rockville attended this year's Second Annual Maryland State Senior Olympics on October 23 and 24 at Towson State University. Rockville took a total of 31 medals - 13 gold, 12 silver, and 6 bronze.
3. Signal modifications at North Washington Street and Hungerford Drive were completed on November 13 and now allow for double left turns. Work will begin in about a week on the widening of Veirs Mill Road from Woodburn to Rockville Pike.
4. This past week the City paid off the balance of the \$2.8 million note to Suburban Trust for the money borrowed to close out the City's new Urban Renewal Project.
5. The City has been notified that the program Open Space Grant was approved for Wootton Park which represents 75 percent of the project cost.

6. Tomorrow at 2 p.m. there will be a hearing on the proposed General Assembly redistricting plan in Annapolis. Testimony will be given to the Council for review tonight under new business.

Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments:

Recreation and Park Advisory Board: Chairman - Donald Boebel (1-year term)

Energy Commission: Ruby Mignott (reappointed 2-year term)

Economic Development Commission: Irwin Schwartz (reappointed 2-year term)

Civic Improvement Advisory Commission: Jeryl O. Gegan - appointed (2-year term)  
852 College Parkway #102

Human Rights Commission: Judith Eagle - appointed (4-year term)  
8 Scandia Way

Re: Award of Contract: Bid No. 12-82  
Water Meters

Bids were opened in the Council Chambers, City Hall at 3:30 p.m., October 15, 1981, for 5/8" water meters.

The bids were as follows:

	Price Each	Total
Kent Meter Sales Co., Ocala, Florida	\$22.30	\$ 8,820.00
Badger Meter Company, Milwaukee, Wisconsin	23.57	9,428.00
Hays Meter Co., A Division of Zurn Industries, Inc.	26.78	10,712.00
Rockwell International Company, Pittsburgh, PA	29.75	\$11,980.00

The Kent price is 18 percent higher than WSSC's current cost of \$18.29 and 15 percent higher than Fairfax County's existing bid price of \$18.96. The Badger price is correspondingly higher than those paid by our sister governments, also.

The staff recommends that the bids be rejected because the prices are too high and the meters can be purchased through the Fairfax County Water Authority or through WSSC, taking advantage of their high volume bids.

On motion of Councilman Freeland, duly seconded and unanimously passed, the bids for water meters, 12-82, were rejected because the price was too high and the staff's recommendation to purchase through Fairfax County was approved.

Re: Authorization of purchase of  
right-of-way for Gude Dr. project

This is an Offer of Sale of Land Contract for the acquisition of a temporary slope easement and a temporary construction easement from the Prudential Insurance Company of America. These easements are needed for the first

phase of the project which will extend Gude Drive from Route 355 to Piccard Drive. The contract is in the amount of \$11,600.

The Prudential property has been the subject of an independent professional real estate appraisal by Charles C. Derry, SRA, and the contract has been reviewed by the Office of the City Attorney as to form and legality.

It is recommended that the attached contract with the Prudential Insurance Company of America be approved by the Mayor and Council.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the purchase of property was approved and the City Manager was authorized to sign the contract.

Re: Introduction of Ordinance: To Amend Chapter 10 of the "Laws of Rockville", Sec. 10-5.01 - 10-5.17 entitled "Regulation & Licensing of Inns, Apartment Houses, and Other Rental Units", to provide that any violation thereof shall constitute a Municipal Infraction

On motion of Councilman Freeland, there was introduced upon the table, an ordinance to amend Chapter 10 of the "Laws of Rockville" providing that any violation thereof shall constitute a Municipal Infraction, said ordinance to lay over at least one week before final action is taken.

Re: Approval of storm water management on-site waiver - C. M. Whalen, Rockville Pike

This site is located in the Rock Creek Drainage Area between Rockville Pike and the Metro right-of-way approximately 200 feet south of Edmonston Drive. Formerly, this was the site of Congressional Oldsmobile and several other commercial uses. Some of the site was taken by Metro, but the remaining 4.0 acres is now proposed to be redeveloped.

Staff recommends that since an existing storm drain system can carry the run-off to the stream and that compensating storm water facilities are proposed to reduce storm water problems in the area, that the on-site requirement be waived and the City accept a contribution of \$36,000 toward the City's off-site storm water management program (such action to be subject to a conformable waiver by the Montgomery Soil Conservation District.)

Councilman Tyner noted that there is still a periodic problem in that area. He asked if the increased flow would be detrimental. The City Manager said it would not.

On motion of Councilman Abrams, duly seconded and unanimously passed, the waiver of on-site construction was approved and the contribution to off-site accepted.

Re: Approval of request to move  
sign - Woodmont Shell, Rt. 28

The subject Shell station is located on land which was zoned C-2, General Commercial under "conditional zoning." One of the conditions gives the Mayor and Council "... the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land." Shell now wishes to relocate the existing free-standing identification sign. Therefore, this change must be considered by the Mayor and Council.

The sign is proposed to be moved from its present location (near the intersection of West Montgomery Avenue and Hurley Avenue) to the front, center of the property, in front of the existing canopy. The staff understands that this is an attempt to make the sign more visible especially the gasoline price information required by State law. Growth of the street trees has somewhat obscured the sign.

The existing sign complies with current sign regulations of the Zoning and Planning Ordinance.

The staff is concerned that moving the pole sign to the location in front of the canopy may result in a cluttered appearance. This potential problem could be avoided, and sign visibility improved, if a sign complying with the Preliminary Draft of the Proposed Sign Requirements is employed. The proposed requirements would allow a smaller sign (twenty-four square feet, including price information) with a maximum height of five feet, to be located in a landscaped area. The low sign would not be in conflict with the trees or the canopy, and visibility should be improved by the eye level vantage point to the motorist.

The staff recommends that the relocation be rejected unless a modified sign is used, as suggested above.

The applicant, present in the audience addressed the Council and asked if he might be heard on this particular item. The Council saw no problem with this and agreed to postpone this item until after citizen's forum.

Re: Adoption of Ordinance: To  
Grant Text Amendment Application,  
T-44-81, allowing a waiver of  
parking requirements in the  
Transitional Zone

Councilman Abrams moved to adopt the ordinance. The motion died for lack of a second.

Councilwoman Fordham moved, duly seconded, that the ordinance be rejected.

Councilwoman Fordham said this should not be passed since it affects only one property and it is quite different from residential requirements on parking. Councilman Tyner agreed and said he could not vote for it for the same reasons expressed by Councilwoman Fordham. Councilman Abrams disagreed saying this item is a component of a rezoning application requested by the Planning Commission and rejection of this particular parking waiver creates a "Catch 22". Councilman Tyner pointed out that the zoning request referred to by Councilman Abrams has not yet been enacted upon and each item should stand alone. Mayor Hanna agreed that front parking is not a good idea but cars are a necessary nuisance and in dealing with them, the goal should be to make them unobtrusive. He asked if it were possible for some parking to be accommodated on the building lot by razing one of the town houses, giving access to the rear. He said he did not favor front yard parking either. Councilman Freeland said he does not disagree but he just feels that the ordinance will grant additional power to the Planning Commission who work with the staff for maximum utilization of properties and better ambience for the City. He said he is quite comfortable in giving the Planning Commission that authority. By not doing so, the Mayor and Council are removing from it an additional tool, that they have requested. Councilman Tyner said he would support the other portions of the ordinance that did not deal with the front parking. Councilman Freeland noted that any residential neighborhood has several cars in the driveway that must back out onto the street and many people expand their driveways due to the need in residential areas, yet the Mayor and Council precludes it in commercial areas where it is needed. Mayor Hanna said it is only the front yard that bothers him. He does not oppose anyone giving the Planning Commission the power to create parking. He would be glad to amend the ordinance to allow for partial side access, but he does not like to give the power to waive the parking prohibition in front of buildings. He would be glad to defer the item until something could be worked out. Councilwoman Fordham noted that this has been before the Council several times and not decided and it should be acted upon this evening. Mayor Hanna suggested language such

as 'such waiver shall not result in automobiles parking directly in front of the structure.' Councilman Freeland moved Mayor Hanna's suggestion, adding that no more than 50 percent in front of the setback could be asphalted. The motion died for lack of a second. Councilman Fordham noted that this particular property is much different than private residences and the Council is going beyond the bounds to allow O-2 in residential areas. Then, to extend parking is a further intrusion. The City could possibly use its good offices and work with the Town Center Inn to allow additional parking.

Councilman Tyner called the question. The motion to reject the ordinance passed, Mayor Hanna and Councilmembers Fordham and Tyner voting aye and Councilmen Abrams and Freeland voting nay.

Re: Adoption of Ordinance: To  
Grant Map Amendment Application,  
M-29-81, comprehensive rezoning  
of 22.5 acres - Dawson/Adams  
Planning Area

Ordinance No. 46-81

Councilwoman Fordham moved, duly seconded, that the ordinance be denied. The motion failed, only Councilwoman Fordham voting aye, all others voting nay.

Councilman Freeland moved, duly seconded, to adopt the ordinance.

Councilman Abrams asked if the plan submitted by the Planning Commission can be implemented with this action. Mr. Davis said 50 percent of it can be, the seven duplex units in the west. The east cannot be done without agreement with the owners in the rear for parking or removal of dwellings. Councilman Abrams asked if the hotel owners had been approached. Mr. Davis said they had been and they had reservations about granting parking. Councilman Tyner suggested that granting this zoning would mean leapfrogging.

Councilman Abrams moved to table the ordinance. The motion died for lack of a second.

Councilwoman Fordham said that it is increasingly clear that the Council is making the wrong decision in granting a zoning change in this area. The housing crisis tells the Council to stop conversion and the lack of parking makes the O-2 more difficult to carry out. Councilman Abrams asked if this motion were defeated if there is any prohibition against refiling. Mr. Davis explained that these applications were filed by the Planning Commission so that a private owners can come in at anytime and refile. Mayor Hanna said going through it again would be a waste of the Council's time, although it would not be prohibited. Councilman

Freeland said there is a great deal of subjectivity involved and he feels the Council is attempting to make the best judgment as to what is best for the City and the community. Councilman Abrams noted that he plans to vote for it. He does not care to carry out a meaningless act, but since there is an opportunity to explore and come back with parking modification, he feels it should be done. The motion to adopt the ordinance passed, Mayor Hanna and Councilmembers Freeland and Abrams voting aye and Councilmembers Tyner and Fordham voting nay. Ordinance No. 46-81, granting Map Amendment Application, M-29-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council was adopted.

Re: Resolution: To Deny  
Text Amendment Application  
T-47-81, Paisano's Inc.

Resolution No. 24-81

Councilman Abrams asked what the consequences of a denial are to the applicant. Mr. Radauskas said he can be made to tear down the addition. Councilwoman Fordham asked if he could go to the Board of Appeals. Mr. Davis said the staff has told the Board of Appeals that they cannot rule on this. The Council agreed with Councilman Freeland who noted that this particular item has been given as much consideration as possible and it is difficult to change the laws to accommodate an incorrect procedure.

On motion of Councilwoman Fordham, duly seconded and passed, only Councilman Abrams voting nay, Resolution No. 24-81, the full text of which can be found in Resolution Book No. 7, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To  
Amend the Appropriation  
Ordinance for FY 82, #26-81

Ordinance No. 47-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 47-81, the full text of which can be found in Ordinance Book No. 10, was adopted by the Mayor and Council, amending the appropriate ordinance.

Re: Adoption of Ordinance: To  
Authorize Special Assessment  
Project and set date for public  
hearing - widening of North  
Washington Street

Ordinance No. 48-81

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 48-81, the full text of which can be found in Ordinance Book No. 10 was adopted by the Mayor and Council setting December 14 for the public hearing on the widening of N. Washington Street.

## Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Cora Alter, 9 Watchwater Way. Mrs. Alter urged the Council to become more involved with the Board of Education and their actions on closing schools. She thought reconsideration should be done before all of the schools in Rockville are closed. Mayor Hanna told Mrs. Alter some of the things the Council has done to get the Board to listen and he agrees that as enrollment falls and schools are closed it will hurt the City.

2. David E. Betts, 22 W. Jefferson Street. Mr. Betts spoke to the special assessment ordinance that was adopted earlier for the widening of North Washington Street. He said he represents a client who abuts the property and since he may not be present for the public hearing on December 14 he asked that the Council keep the record open so that he would have an opportunity to protest. The Mayor asked Mr. Betts to send in a letter to that effect and it will be placed in the record, however, his protest is registered this evening.

3. Robert Weirich, Chairman Traffic & Transportation Commission. Mr. Weirich asked the Mayor and Council to petition the County and readdress the issue of ride-on busses prior to the closing of the budget. The busses are needed, particularly in the Shady Grove corridor. Mayor Hanna said the Mayor and Council are already on record with a request but they said they would be glad to repeat it.

4. Jim Munson, Shell Oil Company District Engineer. Mr. Munson asked the Council if he might work with the staff to discuss his proposal mentioned earlier this evening on moving the sign at the Woodmont Shell and asked that it might have more consideration, possibly a public hearing. Mayor Hanna explained that a public hearing was unnecessary. Councilman Tyner suggested that Mr. Munson make the remarks now. Mr. Munson said it was a simple request to move a sign 50 or 60 feet and then he heard it must be decided by the Mayor and Council. He found out the staff's recommendation and came to discuss the company's point of view since the staff is working under the rules of an ordinance that has not yet come before the Council for consideration. Councilman Tyner suggested that the matter be held over until the next session of the Council so an opportunity can be given for a statement to be prepared and provide Mr. Munson the opportunity to work with the staff. Mayor and Council agreed.

5. Robert Jacques. Mr. Jacques told the Council that the hearing is in Annapolis tomorrow at 2 p.m. on redistricting and he does not know, but that



might be the last one. Mayor Hanna said that the Mayor and Council plans to testify and a member of the Council will be present to give the testimony.

6. Steve Fisher, President of the Rockville Civic Federation, presented new copies of their directory to the Mayor and Council and the City Manager.

7. Jennie Forehand, Delegate to the Legislature. Delegate Forehand told the Council that the legislature is resurrecting the bill that elects the school board from districts by a county wide vote. She asked the Maryland Municipal League's help. Councilman Abrams suggested that they amend the bill to also elect by districts.

8. Eric Guckenheimer, 806 Cabin John Parkway. Mr. Guckenheimer noted the severe traffic problem that he previously brought to the Council's attention that exists at Fields Road and Rt. 355. Although Mr. Blick wrote a letter to assist the people, he asked that more help be given before a more serious accident occurs. The Mayor asked the City Manager to look into it.

9. Margaret McGuire, 314 Linthicum Street. Mr. McGuire told the Council of the plan to build 88 units of elderly and handicapped housing across the street from her property and presented to the Council a petition opposing it and asked how the citizens can oppose it without hiring legal help. The Mayor explained that it has not yet come before the Mayor and Council. The City Manager explained the process before the housing could ever be approved.

10. Richard Baldwin, Farragut Avenue. Mr. Baldwin told the Council that additional information on the senior housing will be forwarded to the Council soon.

There being no other person wishing to speak the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Text Amendment Application, T-50-81, Mayor and Council, Applicant, requesting an amendment to the zoning and planning ordinance to prohibit adult entertainment establishments in residential and commercial zones and make the establishments special exceptions in the I-3 zone

The Mayor and Council conducted a public hearing on Text Amendment Application, T-50-81, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor and Council closed the record of the hearing.

On motion of Councilwoman Fordham, there was introduced upon the table and ordinance granting Text Amendment Application, T-50-81

On motion of Councilman Freeland, duly seconded and unanimously passed, the Council agreed to waive the lay over period and the requirement of a second posting of the ordinance.

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 49-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, was adopted, making adult entertainment establishments permitted only by special exception in the Industrial (I-3) zone.

Re: Public Hearing: Text Amendment Application, T-45-81, Mayor and Council of Rockville, Applicant, request an amendment to the zoning and planning ordinance to add a new zoning category - Residential Townhouses (R-TH)

The Mayor and Council conducted a public hearing on Text Amendment Application, T-45-81 and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open three weeks.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Delegate Ida Ruben, re redistricting
2. Roald Schrack, re Civic Center mansion  
Councilman Freeland asked if the staff were handling this. Mr. Blick said that the staff is.
3. Al Meyer, re trash pickup problem
4. Complimentary letter for Betty Farrell
5. L. E. Walker, re City's schoolboard testimony

Re: Information Items

The Mayor and Council noted the following items of information:

1. Notice of Department of Transportation briefing - December 3
2. Copy of letter to County Council from College Gardens neighborhood re landfill  
Mayor Hanna commended the College Gardens community for this.
3. Complimentary letter
4. Memo re Handicapped Access Information
5. Memo on Denham/Woodburn drainage

6. Senior Citizen Spotlight
7. Memo on Community Enhancement survey letter  
Councilwoman Fordham said the letter looks very good.
8. Copy of memo to Election Board from City Attorney re charter amendment process
9. Letter to Twinbrook neighbors re senior housing at Rockville United Church
10. Status report on Winter Lights Festival
11. Memo on proposed operation of Woodley Gardens Senior Center

Councilman Tyner asked what the staff needs. Mayor Hanna said that he had hoped the Chairman of the task force would give to the Mayor and Council a specific request since the Mayor and Council should have something in writing. The policy for the operation of the center should remain with the senior citizens commission and the task force could do funding. The City Manager read from a memo given to the Council and explained the center cannot begin operating on its own. It needs City direction. Councilwoman Fordham asked if the corporation will be responsible for the policy on the center's operation. The City Manager said no, that the corporation will just raise funds. The City provides the basic level of service and the corporation could provide capital changes to the building, and if approved, fund them. Mayor Hanna suggested it be made clearer that the RSI will have no other function than to raise funds and the disposition of the funds will be decided by the Senior Citizens Commission's recommendation to the Council. They will raise the funds and have no word in the disposition. Councilman Freeland disagreed, he does not like to encourage the group to raise funds and then tell them they cannot decide how they will be spent. It is very hard to swallow that way and it provides no motivation. Mayor Hanna said there must be a final say so on what can and cannot be done or in future times there could be a struggle. Councilwoman Fordham noted that the corporation does not want to pay for staff and things the City should be paying for. Councilman Tyner noted that generally fund raising is very specific and provides an incentive to those giving. Mayor Hanna said the Senior Citizens Commission can establish the goals and objectives and the Seniors Corporation can raise funds to accomplish those goals and objectives.

12. Memo re replacement of Baltimore Symphony

Councilman Abrams suggested that the refund be given due to the problem with the Baltimore Symphony and the City not risk a good job with patchwork. Councilmembers Fordham and Tyner disagreed and suggested that the Richmond Symphony and Orchestra be used as a replacement. Mayor Hanna agreed with Councilmembers Abrams and Freeland so a letter will be written to the subscribers saying that it is impossible for the City to find an equivalent substitution.

13. Memo from City Attorney re suit
14. Memo on Smallwood/Goldsborough Intersection

Re: New Business

1. Councilman Tyner gave to the Council, a copy of the Lincoln Park Newsletter and asked if the staff had started up the Lincoln

Park Advisory Planning Group. Mr. Davis said it would be done following the Croyden hearings in December and then there will be a Lincoln Group started as well as a Hungerford group.

2. Councilman Tyner said a citizen had mentioned the school board tonight and the Mayor and Council having little effect on their action. He stated that never has he seen an elected group pay less attention to their constituency. Perhaps the only way to get action is through the political process. He asked that an inventory be given to the Council of non-school use, a list of city programs in the schools and day care uses. He suggested the City establish liaisons with other groups who are opposing school closings and try to explore legal action based on the utilization factor. Mayor Hanna cautioned against the liaison with other groups since the City could become embroiled in one group versus another. It would be better for the Mayor and Council to look at the effect of closing schools on the community and tying off the educational artery. Councilwoman Fordham said Rockville's case should be clearly that of a city concerned with a loss of schools in a large geographical area. Once the school is closed there will definitely be no influx of young people to the community. The Mayor said he would like to reinforce the legal question since it could be precedent setting. Schools are part of the essential fabric of the community and might present some interesting legal questions. Councilman Freeland noted that there is no consistency in what the Board of Education is doing and they might be held legally accountable. Councilman Abrams agreed and said the Board of Education has succeeded in breaking down the opposition into small groups that can be pitted against one another and rendered powerless. Only if all the impacted groups unite, can a loud enough voice be heard. Councilwoman Fordham suggested bringing the representatives from Rockville schools together here to form advisory groups and at the same time reaffirm the policy of Rockville children and Rockville schools. Mayor Hanna said he agrees that additional action is necessary and he agrees that possible court action is necessary, but he disagrees which way and feels the only basis for action is a philosophical one since the issue cannot be decided school by school, but only by what the pattern and totality do to the viability of the City. Councilman Freeland suggested that they not be allowed to close schools unless they follow criteria. Mayor Hanna pointed out that the Board may follow criteria, but if the criteria are false he cannot go along with it. Councilwoman Fordham suggested that an advisory group be put together who have no children in the system and she suggested some names that might be used. She was cautioned against the political overtones in some of the names. She asked the staff for suggestions on names to form groups. Mayor Hanna said it would be appropriate at this time to submit additional testimony and

reiterate the City's previous request and ask for reconsideration and include in a polite way, the statement that this is the City's last approach to the Board to ask for a change of mind and then the City will proceed toward legal action.

3. The City Manager presented to the Council, testimony on the legislature's reapportionment hearing. Councilwoman Fordham said she disagrees with the testimony since she favors the present configuration as suggested. Councilman Freeland agreed as did Councilman Tyner. Mayor Hanna expressed his concerns at the reversal of the City's stand since previously the City had embraced a principle of it being wrong to combine the two largest cities. Councilman Freeland suggested that the City not testify but just remain silent. Councilman Tyner disagreed and said that will not be possible. Councilman Abrams said he himself opposes the new configuration. Councilmembers Fordham, Freeland and Tyner agreed that they will go along with the present configuration. The Mayor and Councilman Abrams disagreed, but were overruled. Councilman Tyner will present the testimony in Annapolis.

4. Councilman Abrams said that last Friday the Mayor and Council received a packet of information from the Eisinger/Kilbane Company for an executive session discussion this evening. Councilman Abrams said that the Mayor and Council needs a policy discussion now on the Town Center Development. The important issue is whether this particular developer's plans for the Mall are included in the Town Center Plan. Mayor Hanna said this question was asked to the Winmar/Nordall concern of whether the Mall was essential to the Town Center redevelopment. They said it was not. Then they were asked if the Mall could be developed at the same time as the Town Center Plan and the developer said if so fine. Phasing was not discussed. They were asked whether or not they wanted parking garage involvement and they said yes. Councilman Abrams said a good deal of Mr. Eisinger's submission is technical and the Mayor and Council should ascertain the validity and urged the Council to address it quickly in order for Mr. Eisinger to satisfy his financing requirements and Councilman Abrams would like the Council to be able to discuss this with their own experts. Mayor Hanna said this should be discussed in executive session since the City is at a disadvantage if they negotiate in a public session since and it can only hurt the City. The Town Center Development is a number one priority. If the development accommodates the Mall, that is fine, but if there is a choice it is best to go with the Town Center. Councilman Freeland said he is not sure

he agrees with that. Councilman Abrams disagreed and said the Mall is the key to the Town Center Development and the developer that the City is talking to about the unused property should be put on hold until the Mall can be taken care of. Mayor Hanna said in his opinion, the Town Center is the number one priority and the Town Center plan as embodied by Arthur Cotton Moore and as designed does not include the Mall. Councilman Freeland said he interprets the plan as a land use plan with a variable set of uses to produce a change in revenue. If the City must choose, then the choices must be measured. Councilwoman Fordham said the Town Center Plan is a result of many meetings, citizen input and all uses are included - offices, commercial, recreation and green space. The City has committed to the plan over and over and is now working with a developer. Now there is a person interested in the Mall and that is just what the Town Center plan envisioned. Develop the Town Center and the Mall will take care of itself. She said she is interested in long-term excellent development of the Town Center. The Mall will come along one way or another. Councilman Tyner agreed with Mayor Hanna and Councilwoman Fordham. There was no further discussion.

Re: Approval of Minutes: Meeting  
No. 36-81 & Meeting No. 37-81.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 36-81, October 26, 1981, were approved as written.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 37-81, November 2, 1981, were approved as written.

Re: Executive Session

On motion of Councilman Freeland, duly seconded and unanimously passed, the meeting was closed for executive session to confer with legal counsel and discuss the location of business within the area.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 2:15 a.m. to convene again in general session on Monday, December 7, 1981, at 8:00 p.m. or at the call of the Mayor.